

Exhibit I

In the Matter Of:
FLOYDS vs ALEXANDER CAPITAL

1:22-cv-03318-DEH

ROBERT BELL

September 25, 2024

30B6



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1 R. Bell

2 We had to let them go because your clients
3 and Paul Rachmuth's clients decimated the
4 company and you guys handed over the notes to
5 a pedophile. There wasn't -- we had to do
6 some unfortunate things based on, you know,
7 your -- the fraud that your clients
8 committed.

9 So, yeah, I mean people are
10 always willing to help. We got a lot of
11 people who just, you know, some note holders,
12 are willing to help.

13 Q. Does Floyd's archive its
14 corporate e-mails?

15 A. What do you mean, "archive"?
16 Define that for me.

17 Q. Store them.

18 A. Yeah, we have -- we have
19 everything on like e-mail, and if anything
20 specific, you would have to ask Floyd Landis.
21 He -- he is the CEO. I mean, I don't know
22 where every little document is. That's not
23 what I hand -- you know, that's not what I
24 specifically handle. But, yeah, I mean I'll
25 remind you tomorrow to ask him that.

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2 Q. The domain name for Floyd's
3 corporate e-mails is @floydsofleadvville.com;
4 correct?

5 A. Correct.

6 Q. E-mails sent to and from that
7 domain run through pro hac vice now; is that
8 right?

9 A. Correct.

10 Q. And Floyd's has access to all of
11 the @floydsofleadvville.com e-mail addresses?

12 A. Correct.

13 Q. Are Floyd's employees allowed to
14 conduct company business using e-mail
15 addresses other than those ending in
16 @floydsofleadvville.com?

17 A. Nope.

18 Q. Is that the case since 2017?

19 A. Well, we might not -- like right
20 in 2017, we might not have had a
21 floydsofleadvville.com e-mail address. I
22 mean, we moved to it pretty quick. At one
23 point it was just mostly me and Floyd Landis,
24 so...

25 Q. Since October of 2017 --

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1 R. Bell

2 A. I would say --

3 Q. Let me finish. I haven't
4 finished the question yet.

5 Since October of 2017, are
6 Floyd's employees allowed to conduct any
7 company business using an e-mail address
8 other than those ending in
9 @floydsofleadvville.com?

10 A. No. I mean, they're not going to
11 do like what Frank did and use his Gmail
12 account to lie, you know, to customers
13 like -- like, you know, he did. He didn't
14 always use his Alexander Capital e-mail
15 address. Our employees use the
16 floydsofleadvville e-mail address.

17 Q. Floyd's employees used a service
18 called Wire, to communicate; is that right?

19 A. At one point, yeah.

20 Q. At what point was that?

21 A. Probably around 2017, 2018, and
22 then after your clients decimated our company
23 and handed it over to Greg Hurley who then --

24 Q. I'm going to strike the rest of
25 this. You've answered the question.

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2 Is it correct that those messages
3 on Wire were not saved by Floyd's?

4 A. Well, define "employees." There
5 was a lot of people. I mean, are you saying
6 every -- every person that used Wire? I mean
7 Wire had some --

8 THE WITNESS: Whoa. Somebody
9 gave me a thumbs up. Paul if that was you, I
10 appreciate that thumbs up.

11 Q. I think you gave it to yourself.

12 A. I'll give you one in Vegas on
13 Thursday night.

14 Q. Did the company employees of --
15 did -- the company, itself, Floyd's, did not
16 save Wire messages; is that right?

17 A. No, they were saved.

18 Q. Okay, by the company?

19 A. Uh-hum.

20 Q. Other than Wire, are Floyd's
21 employees allowed to conduct Floyd's business
22 using messaging applications like WhatsApp,
23 Signal or Telegram?

24 A. I mean, sometimes if they were
25 talking to -- I mean, yeah, because

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2 sometimes -- like if you have a -- like an
3 account, sometimes that account might only
4 want to use WhatsApp or -- so sometimes we
5 had to go their way. You know, like we had
6 an account in Costa Rica. They only would
7 use WhatsApp. So an employee would have to
8 use that app.

9 And, you know, before you guys
10 decimated the company, there was a lot of --
11 a lot of accounts, right, and so they could
12 have used all different types of messaging
13 services based on what the client wanted.

14 I'm not sure if that makes sense.
15 Does that make sense?

16 Q. And that's true -- is that true
17 from 2017 forward?

18 A. Correct.

19 Q. Did Floyd's have any policy about
20 monitoring any services or -- or saving any
21 of those messages?

22 A. I believe you've already asked
23 that like four times.

24 Q. What's the answer?

25 A. Same as it was before.

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1 R. Bell

2 Q. Would you please answer the
3 question?

4 MR. VEDRA: Objection. Asked and
5 answered.

6 Q. You can answer.

7 MR. VEDRA: Objection,
8 repetitive.

9 A. Can you repeat the question?

10 Q. Did Floyd's have a policy to
11 monitor or maintain messages from other
12 messaging applications, like WhatsApp, Signal
13 or Telegram?

14 MR. VEDRA: Objection, form.

15 A. Yeah, we would ask our employees
16 for their communications, ask them to be
17 saved, hand over or depending on the service,
18 we could access them.

19 Q. In searching for documents
20 responsive to the requests in this case, did
21 Floyd's search cloud storage for responsive
22 documents?

23 MR. VEDRA: Objection,
24 foundation.

25 A. We searched everything.

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2 Q. Including cloud storage?

3 MR. VEDRA: Objection,
4 foundation.

5 A. I just said we searched
6 everything.

7 Q. Does that include cloud storage?

8 MR. VEDRA: Objection,
9 foundation.

10 A. It includes everything.

11 Q. Please answer the question. Does
12 this include cloud storage?

13 A. Everything.

14 Q. Would you please answer the
15 question. I'm asking --

16 MR. VEDRA: Objection.

17 Q. You're not answering the
18 question.

19 MR. VEDRA: I'm going to instruct
20 the witness not to answer the question
21 because you're harassing him and trying to
22 get a different answer.

23 MR. WARD: I'm trying to ask --
24 you're instructing him not to answer who
25 Floyd's --

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1 R. Bell

2 A. I answered everything. We
3 searched everything.

4 MR. VEDRA: As an initial matter,
5 Mr. Ward, you haven't established what you
6 even mean by cloud storage, and I don't think
7 you have even asked whether Floyd's of
8 Leadville has cloud storage of any kind. So
9 there is no foundation for your question.

10 Mr. Bell has answered the
11 question that they have searched everything.
12 He previously answered the question stating
13 that everything that Alexander Capital asked
14 for in this lawsuit was provided through the
15 attorney.

16 So if you have a specific
17 question, for example, if you want to say:
18 Do you use Dropbox as a cloud service and do
19 you maintain documents on Dropbox, perhaps
20 there would be a foundation for that. And
21 then you could ask: Did you search Dropbox
22 for these documents.

23 But you haven't established a
24 foundation for any of these questions. So
25 when Mr. Bell answered everything, he's given

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2 you the best possible answer you could
3 receive for your question.

4 MR. WARD: Let me alter the
5 question then and first start with:

6 Q. Did Floyd's use any cloud storage
7 services?

8 MR. VEDRA: Same objection. You
9 need to tell the witness what you mean by
10 cloud storage services.

11 Q. Do you understand the question?

12 A. I zoned out while you two guys
13 were fighting. It wasn't very interesting,
14 so you might want to repeat the question.

15 Q. Did Floyd's use any cloud storage
16 services to archive any documents?

17 MR. VEDRA: Same objection.

18 A. You'd have to ask Floyd Landis
19 that but -- never mind.

20 Q. Would I need to ask Floyd Landis
21 for any details about the search for
22 responsive documents in this case?

23 A. Everything you've requested us to
24 search for has been searched for.

25 Now, again, because I've looked

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2 through 200,000 documents, I don't remember
3 specifically everything you wrote down to
4 search for. There is a lot of information
5 out there, but everything that was asked of
6 you from -- to Floyd's of Leadville was done.
7 It was made sure it was done. Our lawyers
8 asked us to double-check. So when I say
9 everything, that's what I mean. The
10 specific -- me as Bob Bell doesn't -- doesn't
11 have every single document of Floyd's of
12 Leadville in his hand.

13 So I said everything. You kept
14 asking. I said well, then you can ask Floyd
15 Landis more particulars tomorrow.

16 Q. Okay. Anything beyond
17 everything, I would need to ask Floyd Landis?

18 A. I mean everything's -- I mean
19 it's a great answer. It's everything. What
20 you asked for, like you asked me to prepare,
21 I looked through 200,000 documents.

22 Now, we know your clients don't
23 do that, but I spent 10 hours some days
24 preparing. I know your clients don't do that
25 because I've been to every deposition in this

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1 R. Bell

2 case. So we take it seriously. You guys
3 didn't.

4 Q. Mr. Bell, I'd ask you to keep to
5 the questions.

6 A. I'm answering. This is the
7 fullest question. I'm answering the question
8 to the fullest of my ability. Again, if you
9 don't like my answers, then don't ask a
10 question.

11 Q. Did Floyd's search the phones of
12 its employees for responsive documents?

13 A. Everything. Everything you
14 asked, we did. Did you ask us -- did you ask
15 us to do that?

16 Q. We did not describe what -- there
17 was no description --

18 A. Did you ask us to look at --

19 Q. Mr. Bell, I'm asking the
20 questions here.

21 A. Then pull up what you asked us to
22 look at and I'll answer each one.

23 Q. Did Floyd's look at my phone in
24 responding --

25 A. Your phone?

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2 Q. Correct.

3 A. The clients over there have a
4 history of pedophilia. I don't want to look
5 at anybody's phone.

6 Q. Mr. Bell, answer the question,
7 please.

8 A. I did not look at your phone.

9 Q. Did Floyd's look at all of its
10 employees' phones in searching for responsive
11 documents?

12 A. We looked at everything you asked
13 us to look at.

14 Q. There was no request, one way or
15 the other, as to whether or not they were
16 going to look at the phones or not.

17 MR. VEDRA: Objection, form.

18 Q. I asked you to describe your
19 efforts to find documents.

20 A. Oh, thanks for the thumbs up.
21 Was that Paul again? Maybe that was Bryan
22 McKenna. He could give that 480 grand back
23 plus \$300,000 of court fees or whatever it
24 was.

25 We looked at everything.

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1 R. Bell

2 Everything, you asked, every phone, every
3 document, every e-mail. I mean everything.
4 Unlike Jonathan Gazdak or Michelle Misiti
5 looked at nothing.

6 Q. Did Floyd's look at the phones of
7 its past employees in responding to our
8 requests?

9 A. Yes, everything.

10 Q. From 2017 to the present, who
11 served as CEO of Floyd's?

12 MR. VEDRA: Objection, found.

13 A. Floyd Landis.

14 Q. Was Mr. Landis --

15 A. Floyd Andrew Landis, I believe is
16 his middle name.

17 Q. Was Mr. Landis' e-mail address
18 Floyd@floydsofleadville.com?

19 A. Uh-hum.

20 Q. Did he sometimes use
21 FL@floydsofleadville.com?

22 A. We used that when Alexander
23 Capital wouldn't give us the note holders'
24 information. We found some so we just used a
25 separate e-mail to e-mail then, and then we

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2 A. I don't know what this document
3 is talking about if it's a Nevada
4 corporation. Floyd's of Leadville is a
5 Colorado corporation.

6 Q. Okay. This is a document that
7 Floyd's has in its possession; correct?

8 A. It was sent to you, but it
9 doesn't mean it's accurate. It says a Nevada
10 corporation. This is a document thrown out
11 by Alexander Capital that sent it to us and
12 it says it's a Nevada corporation, not a
13 Colorado corporation.

14 Q. What's your basis for saying this
15 was drafted by Alexander Capital?

16 A. Because that's what they did.
17 All these documents were drafted. None of
18 these documents were ever drafted by Floyd's
19 of Leadville. What are we paying them for?
20 That's their job, is to raise money and sell
21 securities and notes and draw up
22 documentation. That's their job.

23 I mean you have a whole rule book
24 on that job. This says a Nevada corporation.
25 It doesn't say a Colorado corporation.

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1 R. Bell

2 Q. Did Pete DiChiara not draft these
3 documents, to your understanding?

4 A. Pete DiChiara is Alexander
5 Capital's -- I don't know who Alexander
6 Capital had draw up their documents. I mean,
7 I know Pete's their lawyer. Rocco said it
8 himself in his deposition that you see CMD
9 all the time. But it says a Nevada
10 corporation.

11 Q. Do you have any knowledge that
12 Pete DiChiara represented Alexander Capital
13 for the Floyd's capital raise?

14 A. Yeah, it's in e-mails.

15 Q. What e-mails?

16 A. I mean you have 200,000 e-mails.
17 You're asking me to recall specific e-mails?
18 I mean, he was asked about his representation
19 and he said he had a waiver, I believe, to
20 represent both parties and no waiver was
21 ever -- was ever produced or sent. And his
22 business -- I mean Frank DiMartini and
23 Jonathan Gazdak and Bari Latterman are
24 e-mailing Pete all the time. And according
25 to your own rule book, somebody from Floyd's

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1 R. Bell
2 of Leadville needs to be on those e-mails and
3 never were. He clearly represented Alexander
4 Capital throughout the whole thing. There's
5 no waiver, there's no nothing.

6 Floyd's of Leadville is not a
7 Nevada corporation, so, I mean, I don't know
8 what to tell you. You got sent these, these
9 documents.

10 Q. I'm going to direct you to
11 page 20 of exhibit -- Defendants'
12 Exhibit 208.

13 A. Hold on one second. I just want
14 to -- I'm looking through this document. I
15 just want to see something. I mean if you
16 look at page 2670 --

17 Q. Mr. Bell?

18 A. -- you could clearly see the
19 writing here is not from anyone from Floyd's
20 of Leadville. It looks like Frank
21 DiMartini's. And then all the stickers --

22 Q. Mr. Bell --

23 MR. WARD: Mr. Vedra, I'm going
24 to ask you to direct your client to answer
25 the question and not to engage in colloquy